

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT WHARTON,

Petitioner,

v.

DONALD T. VAUGHN, et al.

Respondents.

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CIVIL ACTION

No. 01-6049

ORDER

AND NOW, this 6th day of April, 2020, upon consideration of the “Motion of *Amicus Curiae* Pennsylvania Office of Attorney General For Leave to Provide Supplemental Information” (ECF No. 191), it is hereby **ORDERED** that:

- The Attorney General’s motion pertains in part to the possible testimony of Sharon Thomas at the upcoming evidentiary hearing (date to be determined). I note that, pursuant to 18 U.S.C. § 3771(b)(2)(A), the victims of crime or family members of homicide victims have the right to be reasonably heard at a federal habeas corpus proceeding. The Attorney General also requests to expand the record to include a letter from Ms. Thomas. That said, the admissibility of Sharon Thomas’s testimony and the contents of her letter will be determined at a later date, after the Attorney General and all parties have had an opportunity to be heard on the record at a pre-hearing conference and/or prior to the hearing itself. Therefore, the Attorney General’s motion is **DENIED without prejudice** at this time and will be revisited once a hearing date is set.
- The Attorney General has also raised an issue as to whether Senior Deputy Attorney General (“SDAG”) Cari Mahler may participate at the upcoming hearing. The Attorney

General is free to select which attorney(s) will appear on its behalf at the hearing. Currently, there is no motion to exclude SDAG Mahler, and, as such, the issue of her participation is not before me. Therefore, this aspect of the Attorney General's motion is also **DENIED without prejudice.**

BY THE COURT:

/s/ *Mitchell S. Goldberg*
MITCHELL S. GOLDBERG, J.